

# United States Court of Appeals for the Eleventh Circuit

No. 23-12408

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BLAKE WARNER, *on behalf of his minor child J.W.*

*Plaintiffs-Appellants,*

*v.*

THE SCHOOL BOARD OF  
HILLSBOROUGH COUNTY, FLORIDA

*Defendants-Appellees.*

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Appeal from the United States District Court  
for the Middle District of Florida  
USDC No. 8:23-CV-181

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## MOTION TO REINSTATE

Pursuant to Eleventh Circuit Rules 27-1(c)(10) and 27(b)(2), Appellants in the above-captioned consolidated appeal move the Court for reinstatement of the appeal and state to the Court the following:

1. Appellants filed the notice of appeal on July 23, 2023.
2. On July 26, 2023, Appellants filed a motion in this Court to consolidate two appeals and waive the filing fee in one case.
3. On Aug 15, 2023, while the motion to waive the filing fee was pending, the clerk dismissed this appeal pursuant 11th Cir. R. 42-1(b) for failure to pay the docketing fee and file the transcript order form.

4. On August 16, 2023, Appellants paid the docketing fee to the district court and filed the transcript order form.

Appellants mistakenly filed the wrong document in the wrong court, and promptly cured the default by simply paying the fee rather than seeking to get it waived and filing the transcript order form. Appellants respectfully request that the appeal be reinstated.

## **CERTIFICATE OF COMPLIANCE FRAP 32(G)**

I certify that this paper contains 164 words and complies with type-volume limitations.

8-16-2023

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Date



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Signature

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